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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,181	10/16/2003	Hiroki Moriyama	P/3541-45	9066
2352	7590	12/22/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			FLANAGAN, BEVERLY MEINDL	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/687,181

Applicant(s)

MORIYAMA, HIROKI

Examiner

Beverly M. Flanagan

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received

BEVERLY M. FLANAGAN  
PRIMARY EXAMINER

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Entry of Amendment***

The amendment filed September 14, 2005 has been entered and made of record.

### ***Previously Set Forth Rejections***

The 35 U.S.C. § 102(b) rejection of claims 1, 2 and 7 as being anticipated by Japanese Application Publication No. JP 2001-224550 is hereby *withdrawn*. The 35 U.S.C. § 103(a) rejection of claims 3 and 6 as being unpatentable over Japanese Application Publication No. JP 2001-224550 in view of Japanese Application Publication No. JP 2002-95623 is hereby *maintained and applied to claims 1, 2, 7-9 and 11-14*.

**The following new (with respect to newly added claims) and reiterated grounds of rejection are set forth:**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication No. JP 2001-224550 in view of Japanese Application Publication No. JP 2002-95623.

**In regard to claims 1-3, 6-9 and 11-14**, JP 2001-224550 teaches a detachable endoscopic hood 6 having an attachment portion 7 that is fitted on an outer peripheral surface of an end portion 5 of an insertion portion of an endoscope, having a protruding portion 6a, 6b that protrudes from an end surface of the insertion portion of the endoscope in an axial direction (see Figure 1). An illumination light leading portion 6c is provided on the protruding portion 6a, 6b and is arranged at such a position that a distance from an illumination lens 12 which emits the illumination light is shorter than a distance from the object lens 11 of the endoscope (see Figures 1 and 4). JP 2001-224550 show that protruding portion 6c has an end portion that is molded into such a shape that it does not enter an observation image of the endoscope. JP 2001-224550 is silent as to a concave portion formed by notching the end portion of the protruding portion 6c. However, JP 2002-95623 disclose a similar endoscopic hood having a notch 2a formed in a protruding portion 2 by the exit of illumination light from the endoscope (see Figures 3 and 4). JP 2002-95623 further shows that the protruding portion 2 is molded at substantially the same angle as an outgoing radiation angle of the illumination light (see Figure 3). JP 2002-95623 thus demonstrates that endoscopic hoods having notches formed in a protruding portion and that are molded at substantially the same angle as outgoing radiation of the illumination light are well known in the art. Accordingly, it would have been obvious for one of ordinary skill in the

art at the time the invention was made to provide the protruding portion 6c of JP 2002-224550 with the notch and angle disclosed in the protruding portion of JP 2002-95623 in the interest of equipping the hood with proper illumination light transmission capabilities.

***Allowable Subject Matter***

Claims 4 and 5 are allowed.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed September 14, 2005 have been fully considered but they are not persuasive. Applicant argues that both Japanese references disclose preventing vignetting (blocking) of a visual field and do not disclose or suggest vignetting (blocking) of illumination light. However, applicant has not demonstrated that the cited references are incapable of blocking illumination light, only that they do not expressly disclose such. In an endoscope, where the optical and illumination systems are closely placed together to provide a good image, it would be inherent that the end caps disclosed in both Japanese references would be capable of blocking illumination light as well as blocking of a visual field. Applicant may demonstrate, through suitable affidavits, that the cited references cannot perform the functions as recited in the claims of the instant invention.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

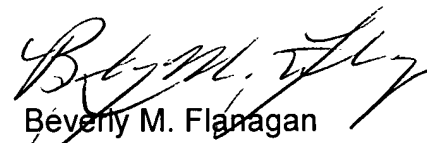
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Tuesdays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Beverly M. Flanagan  
Primary Examiner  
Art Unit 3739

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